

JMS
ORIGINAL

JAMES T. LOW
 # 92234-022
 Federal Detention Center Honolulu
 P.O. Box 30080
 Honolulu, HI 96820
 Tel. No.:(808) 538-4300
 Defendant Pro Se

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

MAY 09 2006 *Ay*
 at 2 o'clock and 14 min PM
 SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00260 JMS
)	
vs.)	DEFENDANT'S MOTION IN LIMINE
JAMES T. LOW,)	REGARDING VOUCHING FOR
)	CREDIBILITY OF GOVERNMENT
)	WITNESSES; CERTIFICATE OF
)	SERVICE
)	DATE: <u>JUN 01 2006</u>
Defendant.)	TIME: <u>9:00 A.M.</u>
)	JUDGE: <u>J. MICHAEL SEABRIGHT</u>

TW: 6/6/06

DEFENDANT'S MOTION IN LIMINE REGARDING
VOUCHING FOR CREDIBILITY OF GOVERNMENT WITNESSES

COMES NOW JAMES T. LOW, DEFENDANT PRO SE, and moves for an order in limine to the government to avoid any vouching for the credibility of government witnesses, whether by testimony of other witnesses or by argument of counsel. “[A] prosecutor may not express his opinion of the defendant’s guilt or his belief in the credibility of government witnesses.” United States v. Sanchez, 176 F.3d 1214, 1224 (9th

Cir. 1999)(quoting United States v. Molina, 934 F.2d 1440, 1444 (9th Cir. 1991).

“Attempts to bolster a witness by vouching for his credibility are . . . improper if the jury could reasonably believe that the prosecutor indicated a personal belief in the witness’ credibility.” United States v. Eyster, 948 F.2d 1196, 1206 (11th Cir. 1991). A petitioner must be granted a new trial wehre the remarks “so infected the trial with unfairness as to make the resulting conviction a denial of due process.” Donelly v. DeChristoforo, 94 S.Ct. 1868 (1974).

In view of the foregoing, Defendant respectfully requests the court to grant his motion.

DATED: Honolulu, Hawaii, May 9, 2006.



JAMES T. LOW
Defendant Pro Se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 05-00260 JMS
)
Plaintiff,) CERTIFICATE OF SERVICE
)
vs.)
)
JAMES T. LOW,)
)
)
Defendant.)
)

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing motion was duly served on May 9,
2006, by hand delivery upon:

Mark A. Inciong
Assistant U.S. Attorney
Room 6-100, PJKK Federal Building
300 Ala Moana Blvd
Honolulu, HI 96850

Dated: Honolulu, Hawaii, May 9, 2006.



RICHARD S. KAWANA
Standby Counsel for Defendant